

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
RUDDY OSIAS

Plaintiff,

-V.-

DEPARTMENT OF CORRECTION et al.,  
:  
Defendants  
:  
-----X

ORDER

: 21 Civ. 8877 (PAE) (GWG)

GABRIEL W. GORENSTEIN  
UNITED STATES MAGISTRATE JUDGE

The Court has received the attached letter from plaintiff dated May 8, 2023, addressing the issue of the defendants' assertion that plaintiff signed a general release of the claims in this case. The Court notes that no motion seeking dismissal of the complaint has been filed by defendants and that it is not due to be filed until May 25, 2023. After the motion is filed, plaintiff may file his opposition by sending it to:

Pro Se Docketing  
500 Pearl Street  
New York, NY 10007

Under Judge Engelmayer's Individual Rules and Practices in Pro Se cases, plaintiff's response will be due June 22, 2023.

Dated: New York, New York  
May 12, 2023

SO ORDERED:

  
\_\_\_\_\_  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge

Ruddy Osias  
DIN: 22B2764  
Five Point C.F.  
Romulus, N.Y 14541

5-8-23

CASE: NO. 21 CV 8877 (PAE) (GWG)

Osias v. Dep't of Corr., et al.

Opposition of Dismissal

Dear Judge Engelmayer and Magistrate Judge Gorenstein

I Ruddy Osias the plaintiff, request and seeks to understand that these amended claims are complaints and actions that occurred prior this case. Despite these claims being contiguous Case NO. 22-CV-869 (PAE) (SLC) was a use of force claim, which shipped me away from that facility, while this current case was pending.

I believe due to this case, which was pending at the time is why I believe the defendants had malice intent towards my well being. I am aware that the signing of the General Release has become material issue, but the claims in case: NO. 21 CV 8877 (PAE) (GWG) is matter of first impressions of these defendants.

Plaintiff's claims, failure to produce for court appearances, lack of recreation and law library services which did occur during the pandemic, as well deliberate indifference to plaintiff's medical needs. Two separate situations, two different cases, Two different Timelines.

I the plaintiff prays the court  
seeks more discovery on these matters, instead  
of dismissal.

Thank You

R. On

FIVE POINTS CORRECTIONAL FACILITY  
STATE ROUTE 96, P.O. BOX 119  
ROMULUS, NEW YORK 14541

NAME: Buddy D. Sibus DIN: 2282764

Five Points

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Correctional Facility

LOC: 10-12-24  
United States Magistrate Judge, Gabriel W. Gonzalez

ZIP 145

United States District Court  
Southern District of New York  
U.S. Courthouse

500 Pearl Street

New York, NY 10007

10007\$1330 C059

Legal mail